

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID ROSEN and SHARON ROSEN, :
Plaintiffs, : 21-CV-683 (JPC)
-v- :
KALMAN SPORN and LEAH SPORN SAVITT :
Defendants. :
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JOHN P. CRONAN, United States District Judge:

On July 6, 2021—after Plaintiffs’ counsel passed away—the Court ordered Plaintiffs by September 6, 2021, to either (1) retain substitute counsel or (2) inform the Court by letter that they wish to proceed *pro se*. Dkt. 38. The Court explained that if Plaintiff failed to comply, the complaint would be dismissed without prejudice without further notice. *Id.* Plaintiffs failed to comply with that Order.

Federal Rule of Civil Procedure 41 authorizes a court to dismiss an action for failure to prosecute or comply with an order of the Court. Fed R. Civ. P. 41(b); *see LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . .”). Given Plaintiff's failure to comply with the Court's July 6, 2021 Order, the Court dismisses without prejudice this action under Rule 41(b) of the Federal Rules of Civil Procedure.

The Clerk of Court is respectfully directed to close this case and mail a copy of this Order to the following addresses:

Law Office of N. Ari Weisbrot LLC
1099 Allessandrini Avenue
New Milford, NJ 07646

David and Sharon Rosen
17 Caspi Street
Jerusalem 9355420, Israel

SO ORDERED.

Dated: September 14, 2021
New York, New York



JOHN P. CRONAN
United States District Judge